



—TO OUR—
OKLAHOMA COLONISTS.

THOSE WHO WISH A HOME IN THAT BEAUTIFUL COUNTRY.

IT is utterly impossible to reply to all the letters and the many questions asked in them, and give each my personal attention. I, therefore, publish this circular. It contains the information generally required touching the questions at issue, namely, the settlement and occupancy of the Public Lands in the Indian Territory, (OKLAHOMA), or, as called by the Indians themselves, "*Beautiful Land*."

I will assert, without fear of contradiction, that there never was a tribe or an Indian that owned or had a title, (in fee simple) to one acre of land west of 96. The only claim the Indians ever did possess was that of a "hunting permit," or as termed in the treaty of 1828, an outlet as far as the then possessions of the United States went, or to Mexico. Through the stupidity, or oversight, of the Interior Department, the United States government treated for certain lands claimed by the Chickasaws, Choctaws, Seminoles and Creek Indians in March, 1866. The Interior Department treated for the lands with a view to locate other Indians and freedmen thereon, as stated in the treaties; but in after years (1876-1878) Congress passed laws virtually prohibiting its use for that purpose.

The Indians own and have a title in fee simple to all lands east of 96, but not an acre of land west of 96. And the Interior department, in treating for these lands, simply treated for a public domain, for soil that at the time belonged to the United States, and for which the government had a clear title.

But supposing that the Indians did, at one time, own the country that we now seek to occupy, certain it is that they sold and transferred any claim or title they may have had by their treaties in March and July, 1866, and got the cash for it.

The act of September 20, 1841, granting pre-emptions to actual settlers, provides that all lands, where the Indian title is, or shall hereafter become, extinguished, shall be subject to the provisions of this act. Here is an extinguished title. Section 2, A. & P. R. R. charter, provides that the government of the United States shall extinguish as rapidly as may be consistent with the good policy of the government, and only by the voluntary session of the Indians, the title to all Indian lands lying along the line of said road. The United States acting in good faith, did extinguish the title to all lands (Indian) west of the Sac and Fox, Pottawattomie and Chickasaw reservation, Red river on the south, and to the Pan Handle on the west.

Congress, in 1878, passed an act providing that wherever there was a land grant to any railroad, or for any other purpose, (and it does not matter in what State or Territory), that the Pre-emption and the Homestead laws of the United States should apply to all even sections of land within the limit of said grant. Take all other laws and treaties away and we can hold under the grant to the Atlantic & Pacific Railroad. This law is plain and emphatic. It makes no provisions as to treaties, reservations, or conditions. The wording of the law is, "*all lands where there is a grant,*" &c.

Section 6, charter Atlantic and Pacific Railroad, further provides that the President of the United States shall cause the lands to be surveyed for forty miles in width on both sides of the entire line of said railroad and that odd sections shall not be liable to sale or pre-emption, homestead or entry, before or after they are surveyed, except by said company; but the act of September 20, 1841, granting pre-emptions to actual settlers, the act of July 16, 1862, granting homesteads to actual settlers, and the acts amendatory thereof, shall be and the same does hereby apply to all other lands on the line of said road, not hereby granted to said railroad company.

Ex-Attorney-General Devins decided, October 26, 1880, that the Atlantic & Pacific Railroad had forfeited no right or franchise, but that they were entitled to their grant, right of way, &c., to the fullest extent, as covered by their charter. Ex-Secretary Kirkwood, of the Interior Department, so decided only two weeks before leaving the Cabinet of President Arthur. Congress has ratified these decisions, and the Senate passed their right of way bill, by a vote of over two to one, that it was not even necessary to obtain the consent of the Indians through whose reservations the road runs. Thus it will be seen that if we could hold no more, we can, by these decisions, hold all the even sections along the line of said railroad.

As fast as the iron can be laid down the road is now building, and will soon reach the town of Oklahoma. In addition to this fact it should also be parenthetically mentioned that the entire Oklahoma country has been surveyed and sectionized by the United States government—Section, Town, Range, and quarter section corners are easily found.

President Hayes said, in his Messages to the 46th Congress, that the government would be powerless to prevent these lands from being taken up by the whites, in the absence of legislation. That legislation was never secured. Secretary Kirkwood, in asking Congress to pass a bill by which he could punish would-be settlers on these lands by confiscating their property, acknowledged that there was no law to punish or prevent them from taking up and occupying the lands. Senator Plumb is Chairman of the Committee on Public Lands, and we will quote what he says with reference to the passage of the act to prevent an occupancy of the public lands in the Indian Territory:

U. S. SENATE CHAMBER, WASHINGTON, April 18, 1882.

Col. J. M. Steele, Wichita, Kansas:

MY DEAR SIR—I have yours of the 14th enclosing clippings from the *Chicago Tribune*. If the bill referred to shall pass, I will see that it does not operate upon government lands in the Indian Territory or elsewhere

Very truly yours,

P. B. PLUMB.

There is no secret as to my position in this matter. It has been voiced from one end of the country to the other, through newspapers and every other available channel, that I was held to bail at Fort Smith for violating the laws of the United States in settling upon these lands. Nearly all papers know now I was not, and why they do not correct their former misstatements, is a mystery. I never was fined; never held to bail; the case has never been called or tried on its merits. They (the attorneys for the government) came in with a demurrer; the court took two months to rule on the demurrer and then sustained it. The case stands just in that shape to-

day. We have never been summoned to trial, and the case has never yet been tried on its merits, nor is this all, the government never will call the case on its merits, because if it does they know perfectly well that the decision would be in our favor and that would, at once, open the Territory to settlement.

I cannot say much about my case now pending against Gen. Pope for damages for being removed from these lands, for the reason that I hope soon to have it called, and the case being now pending, it might be deemed out of place for me to go into details. Suffice it for me to say that it has never been postponed at my suggestion, or on my account. I have always been ready for trial, and could and would, if called on to-day, go into court without any lengthened notice, my case being now ready for trial. Unfortunately for me and my co-workers, and the grand fight in which we are now engaged, the politics of this country have become a mere struggle for place, a race in the rotation of officeholders, and all principle, all the real rights of the people are wholly ignored, otherwise a continuance of the present monstrous policy, in reference to the Indian Territory, could not exist for one hour.

The Indian Territory, it is universally admitted, is capable of sustaining a population, in thrift and happy content, of ten millions of people. It is the garden spot of this continent. Its latitude and longitude; its soils and nutritious grasses; its fine timber and grand prairies jeweled with garden flowers, of every variety and color; its landscapes and clean, well trimmed parks offer inducements to settlers unequaled in the world.

The number of people who will wend their way there as soon as safety is the word, it would be difficult to speculate upon. No other territory, in our judgment in the world, presents features and advantages at all commensurate with the beautiful land of Oklahoma, the garden spot, the Eden of modern times—richest of all of them, both in dollars from the soil and health for the people.

One word on the subject of trades: brickmakers, carpenters, and other artisans and mechanics are respectfully asked to join in opening up and developing this vast country. It is needless to say to those intending to join the colony what is required in a new country, and we advise them to purchase their supplies at home before leaving. However, on this point, they can exercise their own judgment, they knowing best their circumstances.

No intoxicating liquors, of any kind, will be allowed in the colony, and no camp followers, hangers-on, or idlers, will be allowed to accompany the colony, under any circumstances or on any pretext whatever. Our laws will be stringent for the preservation of order and good government, and there will be no tardiness in their execution. Being thorough believers in the power and utility of the press, we have pleasure in stating that we have already secured a newspaper outfit for our colonists. This will be a great boon to our people and will aid very materially in popularizing our colony right from the start, is sure to enhance the value of their property.

Our purpose is a peaceable one. We shall not enter the war path, or stain our garments with the blood even of an Indian. No Indian will be molested or disturbed in person or property. He will be treated kindly and considerately as a neighbor, and we shall respect all rights of citizenship, but at the same time we shall expect a like treatment in return. The lands owned by the United States government, and these only, we design to occupy, and these we are firmly resolved to occupy within a reasonable period from this date.

A few words regarding the lands in question will not be out of place here. There is no finer body of country in the United States. It is well watered, well timbered, abounds in coal, minerals, and the Wichita Moun-

tains are rich in gold and silver and other precious metals. For all agricultural purposes, stock, grain, cotton, tobacco and fruit raising, it cannot be excelled by any other country between the Atlantic and Pacific coasts. The climate may be said to be like that of California, neither too cold in winter nor too hot in summer. It is the only part of the public domain now open within reach of the people this side of the Rocky Mountains that is considered worth the occupancy of the white man.

We need scarcely remind our readers that nearly all, if not all, the best lands in Kansas and Nebraska have been taken up, and in northwest no farming can be carried on successfully, save by the costly system of irrigation. The land problem is solved, the buffalo is gone, the Indian must be civilized. The latter feat, no one will deny, can only be accomplished by surrounding him with civilized communities and influences.

It may be stated that cattlemen are fencing in what they call ranches from 20 to 30 miles square. These ranches are over the Oklahoma country, and yet we are not allowed to stay on or improve a small farm of say 160 acres. These cattlemen are protected by the same United States soldiers that have always taken us out. But these cattlemen are, in one form and another, connected with other corporations and monopolies, therefore, have little trouble in getting the ear of the powers that be, at Washington.

There are many rings for the purpose of robbing both the Indians and the government, in the Indian Territory. It would be criminal to break up these rings and confine them each to the beggarly space contained in 160 acres of land. It would be a crime to stop Indian agents and others from stealing and give the homeless, homes. But then we intend to and will do this. The Commissioner of the General Land Office, in a late report, says that at the present rate of taking up the public lands there is only enough left to last one year.

This is positively the last chance to get a choice, valuable; and beautiful home for nothing. Come and go with us to this beautiful land and secure for yourself and children homes in the richest, most beautiful and best country that the great Creator, in His goodness, has made for man. To settle upon, occupy and cultivate is the only cost.

By being one of the first on the ground, you can secure a claim (160 acres of land) that will be worth from \$20 to \$50 per acre in one year.

Do not write unless you intend to become a member of our colony. Correspondents expecting replies to their communications must, in all cases, enclose postage stamps. We mean business, and are constantly at work day and night with a view to the speedy occupancy of this territory, and trust to the active co-operation of our friends in every part of the country.

Any further information write

D. L. PAYNE, PRES.

W. H. OSBURN, SECRETARY.

Wichita, Kansas, June 2, 1882, (Box 184.)

NOTE—There can be no question as to the right of the settler on all government land in the Indian Territory, other than the even sections within the grant to the A. & P. railroad. His right attaches from and after his settlement on the same. I assert, and will prove (if given a chance) that the various pre-emption and homestead laws apply to all the lands there, be-
 fore, and that have been paid for by the United States government.

Under the rules of the colony, members can be absent six months (U. S. laws same). You can go with us on our next trip, take your claim, put it on record. We will always be strong enough to protect the colonists' claims.